

**REGULATIONS GOVERNING**

**BODY ART ESTABLISHMENTS**

**IN MACOMB COUNTY, MICHIGAN**

**Effective February 2, 2009**

**Macomb County Health Department**

**Environmental Health Services Division**

## **ARTICLE I – TITLE, PURPOSE, AUTHORITY AND JURISDICTION**

### **Section 1.1 Title**

These Regulations shall be identified by the title Regulations Governing Body Art Establishments in Macomb County, Michigan.

### **Section 1.2 Purpose**

These Regulations are adopted to protect public health, to prevent the transmission of illness, to establish controls that will meet consumer expectations and to provide for the assurance of safe body art practices.

### **Section 1.3 Authority**

These Regulations are adopted pursuant to authority conferred upon local health departments by Section 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978, as amended.

### **Section 1.4 Jurisdiction**

The responsibility for administration and enforcement of these Regulations shall reside with the Health Officer of the Macomb County Health Department.

These Regulations, including all amendments hereafter adopted, shall be in full force and effect throughout all areas of Macomb County, incorporated and unincorporated.

## **ARTICLE II – DEFINITIONS**

### **Section 2.1 General Provisions**

Words, terms and expressions used in this Regulation shall have the meanings defined in this Article. Words, terms and expressions which are not defined in this Article shall be interpreted in their commonly accepted meanings in accordance with Standard English usage.

The term “shall” is always mandatory and not merely directory.

### **Section 2.2 Definitions**

**Adult:** A person 18 years of age or older, or a person under the age of 18 who has been emancipated in accordance with state law.

**Adulterated:** To make impure by adding an improper substance.

**Aftercare Instructions:** Verbal and written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area.

**AIDS:** Acquired Immune Deficiency Syndrome.

**Antiseptic:** An agent that destroys or inhibits the growth of microorganisms on skin or mucosa.

**Apprentice:** An individual, 17 years of age or older, learning body art procedures under the direct oversight of a skilled technician.

**Approved Onsite Sewage System:** Any device or facility installed or constructed to store, treat or dispose of sanitary sewage or human excreta from premises where a public sanitary sewer is, or was, unavailable for use at the time of such construction or installation. This system shall comply with all *Regulations Governing Onsite Disposal of Sanitary Sewage and Human Excreta* in Macomb County, Michigan.

**Approved Well:** An opening in the surface of the earth for the purpose of obtaining groundwater that is in satisfactory compliance with Macomb County's *Regulations Governing Water Supplies*.

**Steam-Pressure Autoclave:** A steam-pressure vessel that sterilizes by steam under pressure at temperatures above 100 degrees Celsius.

**Biological:** Living microorganisms such as bacteria, viruses, fungi, and parasites.

**Blood:** Human blood, human blood components and all products made from human blood.

**Bloodborne Pathogens:** Any pathogenic microorganism that is present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV).

**Body Art:** The practice of physical body adornment utilizing, but not limited to, the following techniques: body piercing, tattooing and cosmetic tattooing. It does not include the piercing of the ear or the practices or procedures which are considered to be medical procedures by the state medical board, such as hair or skin implants, plastic surgery, cutting, branding and all forms of scarification.

**Body Art Establishment:** Any place or premise where the practice of Body Art, whether or not for profit, is carried out.

**Body Piercing:** Any method of piercing the skin or mucosa in order to create a permanent hole for the purpose of inserting jewelry, including but not limited to rings, studs, bars, or other items for decoration. This includes, but is not limited to, piercing of the lip, tongue, nostril, navel, eyebrow, or genitalia; but does not include the piercing of the ear.

**Client:** A person who has a tattoo or body piercing procedure performed on his or her body.

**Contaminated:** The presence, or the reasonably anticipated presence, of blood or other potentially infectious materials on an item or surface.

**Controlled Substance:** Any behavior-altering or judgment-altering drug, whether legal or illegal, whose possession and use are restricted by law including narcotics, stimulants and hallucinogens.

**Cosmetic Tattooing:** The practice of depositing pigment into the epidermis utilizing needles, which can be permanent, semi-permanent or temporary, by someone other than a state licensed physician. Cosmetic tattooing shall also mean the same as Permanent Cosmetics, Demography, Micro Pigmentation, Permanent Color Technology and Micro Pigment Implantation.

**Decontamination:** The use of physical or chemical means to remove, inactivate or destroy Bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

**Department:** Macomb County Health Department.

**Disinfectant:** An agent that kills all growing or vegetative forms of microorganisms, thus completely eliminating them from inanimate objects.

**Equipment:** All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a Body Art Establishment.

**Exposure Control Plan:** Defines the procedures and job duties where occupational exposure to blood may occur as well as a description of how the following will be addressed and implemented:

- A. Methods of compliance related to universal precautions, hand hygiene, engineering and work practice controls, personal protective equipment, and housekeeping.
- B. Hepatitis B vaccination requirements.
- C. Post-exposure follow-up and evaluation of circumstances surrounding exposure incidents.
- D. Communication of hazards to employees.
- E. Recordkeeping.

**Hand Washing Facility:** A facility providing an adequate supply of running potable water, soap and single-use paper towels or hot air drying machines.

**HBV:** Hepatitis B Virus.

**Healthcare Provider:** An individual authorized by law and currently licensed in Michigan, to provide specific medical treatments, care, or services to technicians and/or clients. Examples of individuals who may be authorized by law to provide the aforementioned treatment/care/services may include, but are not limited to, advanced practice registered nurses, physician assistants and physicians.

**Health Officer:** The Administrative Officer who is in charge of the Macomb County Health Department or his/her authorized designee.

**HIV:** Human Immunodeficiency Virus.

**Imminent Health Hazard:** Any violation of the provisions of this Regulation that if left in non-compliance could jeopardize the health and safety of the clients, whether residents or visitors of Macomb County. The term includes, but is not limited to:

- A. Operating and conducting body art procedures without a valid permit or license.
- B. A lack of adequate cleaning and sterilization equipment on the premises as required by this Regulation.
- C. A lack of sterilization records (as required by this Regulation) documenting spore test confirmation that all autoclaves in the facility are operating efficiently.
- D. Any sharp instrument, such as a needle or razor that is not disposed of in a proper container immediately after use.
- E. Re-use of any single-use equipment, sharps or pigments.

- F. Lack of proper sterilization of re-usable instruments, tubes or any part of the tattoo machine that comes into contact with the pigment or skin or any part of a piercing gun that comes into contact with skin.
- G. A loss of electrical power or any other utility in the body art establishment that leads to the failure of a system that is required for safe operation, such as adequate lighting, heating, cooling, sterilization, hand washing, and sewage disposal.
- H. Persons not practicing strict standards of cleanliness and personal hygiene, Infection Control procedures, or Universal Precaution procedures which may result in the transmission of disease-causing organisms.
- I. Sewage or liquid waste that is not disposed of in an approved and sanitary manner or that may contaminate any body art equipment or area frequented by clients or technicians.
- J. Toilet and/or hand washing facilities are not: provided; properly designed or installed; accessible or convenient; functional.
- K. A condition that exists in the system supplying potable water that may result in the contamination of the water.

**Indicator:** A physical/chemical device employed to monitor one or more process parameters of the sterilization cycle in order to detect failures in packaging, loading and/or sterilizer function. The chemical indicator usually consists of a sensitive chemical or ink dye, the sensitivity of which may vary from product to product.

**Infection:** Invasion of the body by disease-causing microorganisms and the subsequent reaction of body tissues.

**Infection Control Procedures:** The necessary procedures to be followed by the facility for cleaning and disinfecting body art equipment after contact with blood or other potentially infectious materials. This system shall comply with all applicable Federal, State, and local regulations pertaining to infection control; and comply with the manufacturer's recommended procedures for the cleaning and disinfection of equipment used in the facility; or if adequate manufacturer's recommendations are not available, comply with generally accepted guidance on infection control. Written Infection Control Procedures shall include, but are not limited to:

- A. Instrument cleaning and sterilization;
- B. Cleaning and disinfection of the procedure areas;
- C. Storage and disposal of sharps;
- D. Universal Precautions procedures;
- E. Post exposure procedures;
- F. Use of personal protective equipment;
- G. Hand washing procedures;
- H. Chemical storage and safety; and
- I. Injury and illness prevention.

**Inspection:** A visit by Department personnel to a body art establishment for the purpose of determining compliance with this regulation.

**Instruments:** Body art equipment including, but not limited to, hand pieces; needles; needle bars; insertion tapers; forceps; hemostats; tweezers; implements used to pierce, puncture or be inserted into any part of the human body for the intended purpose of making a permanent hole; or any other implement that may come in contact with a client's body or is possibly exposed to bodily fluids during body art procedures.

**Investigation:** A visit by Department personnel to a permitted or unpermitted body art establishment for the purpose of determining the validity of allegations of non-compliance received by the Department relating to this Regulation.

**Medical Grade Gloves:** Food and Drug Administration (FDA) Class I medical device made of natural rubber, vinyl or synthetic material that is worn to prevent contamination between client and technician.

**Medical Waste:** Waste as defined by the Medical Waste Regulatory Act, 1978, P.A. 368, Part 138, as amended. Includes but not limited to: blood and blood products, body fluids, and sharps.

**Microorganism:** An organism of microscopic or submicroscopic size, especially a bacteria, virus, or protozoan.

**Minor:** An individual under 18 years of age who is not emancipated under Act 293, P.A. of 1968.

**Mobile Body Art Establishment:** A movable structure such as, but not limited to, a trailer, truck, car, van, camper or other motorized or non-motorized vehicle, shed, or tent, where body art procedures are conducted.

**Owner/Operator:** Any person who individually, jointly, or severally with others, owns, operates, manages or controls a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art procedures or not.

**Permit:** Written approval by the Department to operate a Body Art Establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirements that may exist within the State of Michigan and the various cities and townships of Macomb County.

**Physician:** A person who is licensed by the State of Michigan to practice medicine.

**Picture Identification:** A valid driver's license or an official identification card with a photograph issued by a federal or state government agency.

**Premises:** The building structure or area within which body art services are performed.

**Procedure:** Preparation for, or the actual act of, body piercing, tattooing or cosmetic tattooing.

**Procedure Surface:** Any surface that contacts equipment, instruments or a client's unclothed body during a body art procedure or any associated work area that may require sanitizing.

**Regulated Waste:** Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated

sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

**Sanitize:** Treatment by a product registered with the United States Environmental Protection Agency as being effective in reducing the number of microorganisms to a safe level.

**Sharps:** Any object that may intentionally or accidentally cut or penetrate the skin or mucosa including, but not limited to, needles and razor blades.

**Sharps Container:** A rigid, puncture resistant, leak-proof container that can be closed for handling, storage, transportation and disposal, and is labeled with the international “biohazard” symbol.

**Single-Use:** Products or items that are intended for one-time, one-person use and are disposed of after use on each client, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, protective gloves, razors and needles.

**Spores:** Bacteria in a dormant state.

**Spore Test (Biological Indicator):** A device intended for use by tattoo and body piercing technicians to accompany products being sterilized through a sterilization procedure and to monitor adequacy of sterilization. The device consists of a known number of microorganisms (usually bacterial spores), of known resistance to the mode of sterilization, in or on a carrier enclosed in a protective package. Subsequent growth or failure of the microorganism to grow under suitable conditions indicates the adequacy of sterilization.

**Sterilize/Sterilization:** Complete destruction of all forms of microbial life, including spores.

**Tattooing:** Any method of placing ink, dye or other pigment into or under the skin or mucosa with the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of traditional and cosmetic tattooing.

**Technician:** Any person who controls, operates, manages, conducts, or practices body art activities and who is responsible for compliance with these Regulations.

**Temporary Body Art Establishment:** A fixed location where body art procedures are performed for a limited amount of time, not to exceed 14 consecutive days, in conjunction with a single event or celebration.

**Ultrasonic Cleaning Unit:** A unit, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

**Universal Precautions:** A set of guidelines and controls designed to prevent transmission of HIV, HBV, and other bloodborne pathogens. Under universal precautions, blood and certain body fluids of all clients are considered potentially infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention and proper handling and disposal of needles, other sharp instruments and blood and body fluid contaminated products.

**Work Station:** An area within a body art establishment that is set up and used for the application of body art.

## **ARTICLE III – GENERAL PROVISIONS**

### **Section 3.1 Permit Required**

- A. A person shall not perform body art on another individual unless the body art procedure occurs at a body art establishment.
- B. A person shall not operate a body art establishment in Macomb County without a valid body art establishment permit, issued by the Macomb County Health Department and a valid body art facility license issued by the Michigan Department of Community Health.
- C. A body art permit shall not be issued or renewed before the full inspection fee is paid; the premises, equipment, and operations of the establishment have been inspected by the Department; and the owner/operator has demonstrated substantial compliance with the provisions of this regulation and Act 149.
- D. The body art permit expires at midnight on December 31<sup>st</sup> of each year, unless revoked sooner by the Department in accordance with Article XIII of this Regulation.
- E. The body art permit and body art facility license shall be displayed in a prominent and conspicuous area within the customer service area of the establishment.
- F. The body art permit and body art facility license are not transferable from one person or place to another.
- G. A permit may be revoked pursuant to the procedures set forth in Article XIII if an inspection determines that the owner/operator of a body art facility has:
  - i. Been found to be in violation of regulations that have been defined as an imminent health hazard to the general public; OR
  - ii. Has failed to keep required records of services performed; OR
  - iii. Has provided services to a minor without the required consent and presence of a parent or legal guardian during the body art procedure.
- H. A person shall not operate a mobile body art establishment within the County of Macomb. The Department shall not permit the use of mobile body art establishments.
- I. The requirements under this Regulation do not exempt the permit holder from compliance with other applicable federal, state, and local laws, ordinances, and rules.
- J. A body art establishment operating before the effective date of this Regulation has thirty (30) days from the effective date to apply for a permit. The body art establishment has ninety (90) days from the effective date to comply with all provisions of the Regulation or apply for and be granted a variance by this Department.

### **Section 3.2 Exemptions**

- A. Physicians and health care providers licensed to practice in the State of Michigan, who use body art procedures as part of patient treatment, are exempt from these Regulations.
- B. Individuals who pierce only the ear using a sterilized single-use needle or a sterilized single-use stud and mechanical piercing system are exempt from these Regulations.

### **Section 3.3 Inspection**

- A. Upon presenting official credentials, the owner/operator of a body art establishment shall allow access by Department personnel, for the purpose of conducting an inspection or investigation, anytime during the establishment's hours of operation or other reasonable times.
- B. At a minimum, a body art establishment shall be inspected by the Department once a year.

## **ARTICLE IV – POWER AND DUTIES OF THE HEALTH OFFICER**

### **Section 4.1 Power to Establish Policy, Criteria and Standards**

The Health Officer is empowered to establish criteria, policies and standards concerning the application and interpretation of these Regulations, and for the purpose of carrying out the responsibilities delegated to the Health Officer by law.

## **ARTICLE V – BODY ART TECHNICIAN REQUIREMENTS**

### **Section 5.1 Minimum Age**

Body art technicians shall be a minimum of 18 years of age except an apprentice working under the direct supervision of a technician may be 17 years of age.

### **Section 5.2 Training**

All persons performing body art procedures shall have proof of training or knowledge in:

- A. Bloodborne pathogen training specific to bloodborne pathogen transmission and exposure control in body art facilities; AND
- B. Site-specific OSHA bloodborne pathogens safety standards training that includes all OSHA required training components. This training will be provided at hire and at least annually or more frequently if new or revised tasks are adopted into practice; AND
- C. First Aid and Adult Coronary Pulmonary Resuscitation (CPR) techniques as instructed by an accredited Red Cross First Aid -CPR trainer; AND
- D. Anatomy and body art technology; AND
- E. Infection Control Procedures which include: sterilization, sanitization, and hygienic techniques; use of single-use sharps and apparatus; and other related disease control techniques; AND
- F. The discovery and recognition of skin disorders and diseases, and other diseases which contraindicate the practice of body art; AND
- G. Procedures required to safely collect and dispose of contaminated waste.

### **Section 5.3 Hepatitis B Vaccination Status**

All persons performing body art procedures shall provide to the owner/operator of the body art establishment, valid documentation of Hepatitis B Virus (HBV) vaccination status stating:

- A. Certification of completed vaccination; OR
- B. Medical proof of immunity from a physician; OR
- C. Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a signed and dated physician's statement specifying the name of the individual and that the vaccine cannot be given; OR
- D. A signed vaccine waiver declining HBV.

## **ARTICLE VI – BODY ART ESTABLISHMENT OWNER/OPERATOR REQUIREMENTS**

### **Section 6.1 General Provisions**

The owner/operator of a body art establishment shall:

- A. Have a person(s) in charge and present during all hours of operation that is responsible for the operation of the establishment and is knowledgeable in the requirements of this Regulation and Act 149.
- B. Prohibit smoking in the establishment and post signage indicating that the establishment is a smoke-free facility.
- C. Maintain the following records and make them available for review, upon request, during inspection:
  - i. Full legal name of the body art establishment;
  - ii. Hours of operation;
  - iii. For each owner/operator of the body art establishment::
    - a. Full legal name;
    - b. Home address;
    - c. Home and work phone numbers;
  - iv. A complete description of all body art procedures performed at the establishment;
  - v. Complete inventory of all instruments, body jewelry, sharps, and inks used for any and all body art procedures. This inventory shall include the name of the item's manufacturer and serial or lot number, if applicable. Invoices or orders shall satisfy this requirement;
  - vi. Written Infection Control Procedures which includes a signature sheet that acknowledges all establishment employees have reviewed;
  - vii. Exposure Control Plan that is reviewed annually;
  - viii. A copy of these regulations and Act 149;
  - ix. Valid body art permit;
  - x. Valid body art facility license.

- D. Ensure all technicians comply with all training requirements before performing body art procedures, and follow bloodborne pathogen safety standards; infection control measures; good housekeeping procedures and all requirements of this Regulation.

## **Section 6.2 Technician Records**

The owner/operator shall maintain records documenting the full legal names and exact duties of all body art technicians, including:

- A. Date of birth;
- B. Gender;
- C. Home address;
- D. Home and work phone numbers;
- E. All prior or current places of employment as a body art technician;
- F. Description of training and experience;
- G. Copy of current driver's license or other photo identification;
- H. Documentation of technician training requirements of this regulation;
- I. Documentation of technician Hepatitis B vaccination status or a signed waiver declining vaccination.

Technician records shall be made available for review, upon request, during inspection.

## **Section 6.3 Client Records**

- A. The owner/operator shall maintain a record of all clients who have had body art services performed. A copy of the client record shall be provided to the client following the procedure. The client record shall include at a minimum:
  - i. The name, address, phone number, and date of birth of the client; AND
  - ii. A signed acknowledgment of understanding the pre-procedure information; AND
  - iii. A signed medical health assessment questionnaire; AND
  - iv. A description and location of procedure(s), and date performed; AND
  - v. The name of each technician performing the service(s); AND
  - vi. Proof of client age where relevant; AND
  - vii. Proof of parent or guardian consent and presence where relevant; AND
  - viii. Signed copy of the aftercare instructions and pigment identification; AND
  - ix. Actions taken if an unexpected event occurred such as an adverse reaction to the procedure.

- B. These records shall be retained for at least three (3) years. These records shall be made available to Department personnel immediately upon request, but shall otherwise be maintained in a secure and confidential manner. After the three (3) year retention period, client records may be destroyed. Destruction must be accomplished through shredding of documents.

## **ARTICLE VII – BODY ART PROHIBITIONS**

### **Section 7.1 Prohibitions**

- A. The following practices are hereby prohibited in a body art establishment:
- i. tongue splitting;
  - ii. braiding;
  - iii. branding;
  - iv. scarification;
  - v. three dimensional beading/implantation;
  - vi. tooth filing/fracturing/removal;
  - vii. cartilage modification;
  - viii. amputation;
  - ix. genital modification;
  - x. introduction of saline or other liquids;
  - xi. any procedure generally considered a medical/surgical procedure.
- B. A technician shall not perform a body art procedure upon a minor without the written consent and presence of a parent or legal guardian of that minor.
- C. A technician shall not perform a body art procedure on the genital area of a minor regardless of written consent and presence of a parent or legal guardian of that minor.
- D. Hollow bore needles or needles with cannula shall not be reused.
- E. Any technician affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall not work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- F. A technician shall require positive proof of age from all prospective clients who reasonably appear to be less than 25 years of age, such as a driver's license or equivalent picture identification card, and shall make and keep a photocopy of that proof of age as a part of the permanent client record.

- G. A technician shall not perform a body art procedure upon any person who appears to be under the influence of alcohol or a controlled substance.
- H. A technician shall not perform a body art procedure while under the influence of alcohol or a controlled substance.
- I. A technician shall not perform a body art procedure on skin surfaces having a burn, rash, keloids, pimples, boils, infection, open lesion, or manifest any evidence of unhealthy conditions.
- J. A technician shall not perform a body art procedure upon a person who has not completed and signed a health assessment questionnaire. This questionnaire shall ask whether the client falls into one or more of the following risk group categories. To protect confidentiality, a client may not be asked to specify the medical condition(s) that places them into the risk group. A technician shall not perform a body art procedure on anyone who falls into Risk Group B.

Risk Group A:

- (1) History of jaundice or hepatitis;
- (2) History of AIDS, or positive HIV test;
- (3) Diabetes;
- (4) History of epilepsy, seizures, fainting or narcolepsy;
- (5) Currently pregnant or breast feeding.

Risk Group B:

- (1) History of skin disease or skin cancer at site of service;
- (2) History of allergies or anaphylactic reaction to pigments, dyes or other sensitivities;
- (3) History of hemophilia or excessive bleeding;
- (4) Is taking medications which thin blood and/or interfere with clotting;
- (5) History of any other known medical condition which would influence or impair the healing process or increase the risk of infection.

- K. A body art kit or device shall not be provided to a minor.

## **ARTICLE VIII – CLIENT NOTICE REQUIREMENTS**

### **Section 8.1 Notice Requirements**

- A. Before performing any body art procedure, a prospective client shall be provided with written factual information regarding body art. A client shall acknowledge, by signature, on a copy of the written information that he or she has read and understands the information, and this copy shall be retained in the permanent record for that client. Written information shall, at a minimum, contain the following:
  - i. The side effects and risks of body art, including, but not limited to, hypertrophic scarring, adverse reaction to ink/dye/pigment, change in color of ink/dye/pigment over time, decreased ability of physician to locate skin melanoma in regions concealed by tattoos, nerve damage, febrile illness, tetanus, systemic infection, and keloid formation.
  - ii. That body art should be considered permanent.
  - iii. Removal of tattoos and permanent cosmetics requires a medical procedure that may result in scarring.

- iv. Information on how to lodge a complaint in regards to non-compliance with applicable regulations.

This written information shall first be submitted for pre-approval by the Department as to accuracy and completeness.

B. Following a body art procedure, a client shall be provided with written aftercare instructions on the proper care of the body art site. Aftercare instructions shall be executed in at least two copies and signed and dated by both the technician and the client. A copy shall be provided to the client and another shall be retained in the permanent record for that client. These instructions shall, at a minimum, include:

- i. Instructions on the care of the body art site following the procedure; AND
- ii. Restrictions, if any, upon the client; AND
- iii. Signs and symptoms of infection; AND
- iv. Recommendations to consult a physician at the first sign of infection or fever; AND
- v. The ink/dye/pigment applied; AND
- vi. The name, address and phone number of the body art establishment; AND
- vii. Notice that the individual may be allowed to donate blood within the standard deferral period if the individual presents a copy of their body art client record to the blood donor facility.

Written aftercare information shall first be submitted for pre-approval by the Department as to accuracy and completeness.

## **ARTICLE IX – STANDARDS FOR PREMISES**

The requirements under Article IX do not exempt the permit holder from compliance with other applicable state and local building codes/ordinances.

A body art establishment shall meet all of the following minimum standards and specifications.

### **Section 9.1 Separate Area**

- A. The establishment shall be completely separated by a solid floor-to-ceiling wall, from any room or area used for non-body art activities such as food service or preparation, hair salon, a retail sales store, or any other activity which may cause contamination of procedure surfaces.
- B. The establishment shall have a client waiting/retail area that is exclusive and separated from any area used for body art activity by a panel or wall that is at least four (4) foot high.
- C. A residential home may not be permitted as a body art establishment.

### **Section 9.2 Work Space**

- A. At least forty-five (45) square feet of working space shall be provided for each technician work station.

- B. Each technician work station shall be separated from other work stations by walls, dividers, curtains or partitions.
- C. The establishment shall have a separate area used only for the cleaning and sterilization of instruments/equipment and sufficient in size to prevent cross-contamination of clean, disinfected or sterile instruments/equipment by soiled instruments/equipment.

### **Section 9.3 Floors, Walls, and Ceilings**

- A. Floors, walls and ceilings in a body art establishment shall be constructed as follows to provide a smooth, durable, and washable surface:
  - i. Floors shall be constructed of commercial grade sheet vinyl, ceramic tile, or other similar material.
  - ii. Walls shall be constructed of fiberglass reinforced panel (FRP), ceramic tile, dry wall that has been painted with a semi-gloss or gloss enamel paint, or other similar material.
  - iii. Ceilings shall be constructed of dry wall that has been painted with a semi-gloss or gloss enamel paint, or non-porous acoustical tile, or other similar material.
  - iv. Floor and wall junctures shall be sealed with cove base molding.
  - v. Doors shall be smooth, free of holes and cracks, and constructed or finished to be easy to wash. Exterior doors shall be self-closing.

### **Section 9.4 Lighting and Ventilation**

- A. The establishment shall be provided with an artificial light source equal to at least 20 foot candles three feet from the floor and at least 100 foot candles within all parts of the working zone within which body art is performed and where sharps and other instruments are assembled.
- B. Adequate ventilation shall be provided. Windows or doors used for ventilation shall be equipped with screens that are maintained in good repair.

### **Section 9.5 Water Supply, Plumbing**

- A. The water supply shall be from a municipal water supplier or an approved well.
- B. Hot and cold running water, under pressure, shall be supplied to all hand washing sinks, lavatories, and instrument scrub sinks.
- C. Sink faucets at hand washing and instrument scrub sinks shall be combination type or equipped with a mixing valve to deliver tempered water. Separate faucets for hot and cold water at hand washing and instrument scrub sinks are prohibited.
- D. The water supply system shall be maintained in good working order.

### **Section 9.6 Sewage Disposal**

- A. Sewage shall be disposed of in a municipal sewage system or an approved on-site sewage system.
- B. The sewage disposal system shall be maintained in good working order.

## **Section 9.7 Restrooms**

- A. The establishment shall have at least one (1) restroom that is fully enclosed and equipped with:
  - i. At least one lavatory (sink);
  - ii. At least one toilet;
  - iii. Mechanical ventilation or a window that can be opened and is screened;
  - iv. A solid, self-closing door.
- B. Restroom shall be provided, at all times, with:
  - i. Toilet paper in a permanently installed dispenser;
  - ii. Liquid antimicrobial soap in a non-refillable container;
  - iii. Disposable paper towels or air dryer;
  - iv. A covered waste container with foot- pedal operated lid.
- C. Restroom lavatories may not be used to satisfy the hand washing sink requirement of Section 9.8 (A).
- D. A body art establishment located within a retail shopping center, or similar setting in which multiple businesses are housed within one enclosed structure having a shared entrance and exit points, may not be required to provide a restroom within the body art establishment if the Department determines that the restrooms are approved and readily accessible to technicians and clients.

## **Section 9.8 Hand Washing Sinks**

- A. The establishment shall have at least one (1) readily accessible hand washing sink for every three (3) technician work stations. Preferably, hand sinks should be equipped with wrist or foot operated controls.
- B. Each hand washing sink shall be supplied with:
  - i. Liquid antimicrobial soap in a non-refillable container;
  - ii. Disposable paper towels or air dryer;
  - iii. A covered waste receptacle with foot-pedal operated lid.
- C. Hand washing sinks shall be used for hand washing only and no other purpose

## **Section 9.9 Instrument Scrub Sinks**

- A. At least one (1) instrument scrub sink shall be provided and used for the cleaning of instruments used in body art activities.
- B. Every instrument scrub sink shall be of adequate size to permit the cleaning of instruments.

- C. Instrument scrub sinks shall be located in a separate area designated for the cleaning of instruments and used for no other purpose.

#### **Section 9.10 Janitorial Sink**

- A. At least one (1) janitorial sink shall be provided and used for the disposal of liquid waste.
- B. Janitorial sinks shall not be used for hand washing or instrument cleaning.
- C. A janitorial sink shall be required in body art establishments commencing operation after the effective date of this Regulation. Body art establishments in operation prior to the effective date of this Regulation may be exempt from the provisions of Section 9.10 (A) if it is demonstrated to the satisfaction of the Department that liquid wastes are being properly disposed of.

#### **Section 9.11 Cleaning, Sterilization Equipment**

- A. An adequate size and number of ultrasonic cleaning units shall be provided to accommodate the amount and volume of reusable instruments and equipment used in the establishment.
- B. An adequate size and number of autoclave sterilizers shall be provided to accommodate the amount and volume of reusable instruments and equipment used in the establishment.

#### **Section 9.12 General Requirements**

- A. Connections from fixed equipment to the wall or ceiling shall be covered/enclosed in a manner that allows them to be easily cleaned and sanitized.
- B. All procedure surfaces, including client chairs/benches, shall be made of materials which are easily cleaned and sanitized after each client.
- C. At least one (1) covered garbage container, (1) covered regulated waste container and (1) sharps container shall be provided in each technician work station. Waste containers shall be equipped with foot-pedal operated lids.
- D. Cabinets with doors shall be provided for the storage of clean and sterilized instruments.

#### **Section 9.13 Plan Review and Pre-Opening Approval**

- A. The owner/operator of a body art establishment commencing operations or renovating after the effective date of this Regulation is required to submit a scale drawing of the floor plan for review and approval by the Department, before proceeding to construction.
- B. A new or renovated body art establishment is required to request and obtain a pre-opening inspection and approval, by the Department, before body art services can be performed.

### **ARTICLE X – OPERATION STANDARDS AND PROCEDURES**

#### **Section 10.1 Required Procedures**

- A. A technician shall maintain a high degree of personal cleanliness, wear clean clothing, follow Universal Precautions procedures, and conform to Infection Control procedures when performing body art procedures. If technician clothing should become contaminated with

blood, the clothing should be removed in a manner to prevent further contamination or exposure. Clean clothing shall be used prior to performing any further body art activity.

- B. A technician shall thoroughly wash hands in hot running water using a hospital grade liquid antiseptic soap, scrubbing for at least thirty (30) seconds, then rinse and dry hands with disposable paper towels. Disposable paper towels should be used to turn off faucet handles to prevent re-contamination of hands. This procedure shall be performed at a minimum:
  - i. Immediately before donning gloves to perform body art activities (such as handling/assembly of sterilized instruments, body art procedure, disinfection and sterilization of instruments);
  - ii. Immediately after removing gloves at the conclusion of a body art procedure;
  - iii. When changing gloves;
  - iv. As soon as possible after contact with blood or any contaminated surface;
  - v. Before and after eating, drinking, smoking, or using the restroom;
  - vi. As often as needed to remove contaminants.
- C. When handling or assembling instruments used for body art procedures and while performing body art procedures, a technician shall wear disposable medical-grade gloves and use techniques to ensure that the instruments and gloves are not contaminated.
- D. A single pair of gloves may not be used for the entire body art procedure. At a minimum, a new pair of gloves should be used at each stage of the procedure including:
  - i. Surface disinfection;
  - ii. Set-up and assembly of instruments;
  - iii. Preparation of the body art area;
  - iv. The body art procedure.

Gloves shall be removed in a manner to protect the person wearing them. Gloves and any other protective equipment shall be removed before leaving the body art procedure area.

- E. If a glove is pierced, torn, or otherwise contaminated, the glove shall be immediately discarded and hands washed thoroughly before a new glove is applied. Under no circumstances shall a pair of gloves used during a procedure be used on more than one (1) client.
- F. All jewelry used for piercing shall be purchased pre-sterilized or sterilized in the body art establishment before using.
- G. All instruments, jewelry, and sharps used for body art shall remain stored in sterile packages until immediately prior to performing a body art procedure.
- H. A sterile area (i.e., sterilized stainless steel tray, dental bib, etc.) shall be established and used to place all instruments, jewelry, and sharps prior to client contact and throughout the procedure. Soiled instruments and sharps shall be handled in a manner to prevent contamination of the sterile area.

- I. With the exception of the eye lid, before performing a procedure, the skin and surrounding skin area where the procedure is to be performed shall be washed with liquid antimicrobial soap and a hospital grade skin antiseptic shall be applied and allowed to dry on the skin. The washing pad shall be discarded after a single use. In the event of an oral piercing, an antiseptic mouth rinse shall be used to rinse the mouth out for at least 30 seconds.
- J. If shaving of the area is necessary, single-use, disposable razors shall be used and discarded after each use. The shaved area shall be washed with liquid antimicrobial soap and a hospital grade skin antiseptic shall be applied and allowed to dry on the skin. The washing pad shall be discarded after a single use.
- K. All sharps and inks/dyes/pigments shall be industry recognized for use in performing body art procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of dye to be used for the tattoo shall be transferred from the original stock container and placed into sterile single-use paper or plastic cups. Upon completion of the tattoo, these single-use cups and all of their contents shall be discarded. Under no circumstance is ink/dye/pigment to be used on another client or placed back into the original stock container.
- L. All products applied to the skin, such as but not limited to body art stencils, applicators, and gauze, shall be single-use and disposed after use. Petroleum jellies, soaps and other products used in the applications of stencils shall be dispensed and applied to the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.
- M. Sharps shall be single-use and not be used for more than one (1) client for any reason. After use, all single-use sharps shall be immediately disposed in an approved puncture resistant sharps container.
- N. Any item dropped on the floor or otherwise contaminated shall be immediately discarded or replaced with a new disposable or sterilized instrument.
- O. During the procedure, the technician shall take care to minimize the splashing, spraying or splattering of blood and immediately flush with water any mucous membranes exposed to blood.
- P. Gauze used to absorb blood flow or remove excess dye/ink/pigment shall be single-use and shall be disposed as contaminated waste. The use of styptic pencils, alum blocks or other solid styptics is prohibited.
- Q. Except for the eye lid, completed tattoos shall be washed with an antiseptic solution and allowed to dry. A sterile antimicrobial ointment from a single-use packet shall be applied. A sterile gauze dressing that is secured with first aid adhesive tape shall be applied to the site if feasible.
- R. The procedure area and equipment or supplies touched during the procedure shall be cleaned and disinfected, using single-use paper towels, after each client. Disinfectants shall be used in accordance with manufacturer's directions.
- S. All reusable instruments and equipment used for body art shall be thoroughly scrubbed after each use with an antimicrobial soap solution and hot water or with an appropriate disinfectant, to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated, cleaned and maintained in accordance with the manufacturer's instructions.

- T. After removing from the ultrasonic unit, all reusable instruments and equipment used for body art shall be rinsed, dried, packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Paper peel-packs shall be dated with an expiration date not to exceed six (6) months. Sterilized equipment shall not be used if the packaging becomes compromised or after the expiration date without first re-packaging and re-sterilizing.
- U. All reusable instruments and equipment used for body art shall be sterilized in a steam/pressure operated autoclave prior to use. A dry heat autoclave may be used to sterilize electrical equipment only. The autoclave shall be used, cleaned, and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions must be kept available on the premises for inspection by the Department.
- V. The owner/operator of a body art establishment shall demonstrate that every autoclave used is capable of attaining sterilization by conducting a monthly spore test through an independent certified laboratory. Test results shall be:
  - i. Maintained on a log sheet for each autoclave;
  - ii. Kept for at least three (3) years by the establishment owner/operator and made available to the Department upon request;
  - iii. A copy is sent to the Department monthly;
  - iv. If the body art facility is notified by the testing entity that a test result is positive for biologic growth, the body art facility shall immediately cease all operations and notify the Macomb County Health Department. Operations in the body art facility can not resume until test results that are negative for biological growth have been provided to the Macomb County Health Department by the testing entity and all reusable instruments in the body art facility have been re-sterilized;
  - v. All clients having body art procedures performed during the period between the last negative spore test and the date of the positive spore test shall be notified, either written or verbally, of the positive result.
- W. After sterilization, all instruments, jewelry and equipment used for body art shall be stored in sealed sterile paper peel-packs, in a dry, clean cabinet with doors or in tightly covered containers reserved for storage of only such instruments. Sterile paper peel-packs shall not be stored rubber-banded or tightly-packed together.

## **Section 10.2 General Requirements**

- A. The interior of the establishment, equipment, and surfaces shall be maintained in good condition and kept clean in a manner to prevent the transmission of disease.
- B. The premises shall be kept free of insects, rodents, and other vermin.
- C. Animals shall not be allowed on the premises, except service animals used by persons with limitations. An aquarium is permitted in the waiting area. No animals of any kind shall be allowed in the area where body art procedures take place.
- D. Garbage and waste containers shall be kept clean.

- E. Sharps ready for disposal shall be placed in approved, puncture resistant sharps containers. Sharps containers must be changed often enough to prevent over-filling or, at a minimum, ninety (90) days after the date of first use.
- F. Contaminated instruments/equipment shall be held in a basin in a manner to prevent cross-contamination until cleaned, disinfected and sterilized.
- G. All sterile instruments, sharps and supplies shall be stored in clean storage cabinets in clean, dry, covered containers and in a manner to prevent contamination from soiled instruments, equipment and surfaces.
- H. If reusable cloth items are used, they shall be mechanically washed with detergent and dried after each use. Cloth items shall be stored in a manner to protect them from contamination until used.
- I. A person shall not be allowed to eat, drink, use tobacco, apply cosmetics, handle contact lenses or store food within an area where body art is performed or where instruments and sharps are cleaned, sterilized or stored, with the exception of nonalcoholic fluids being offered to a client during or after a body art procedure.
- J. All chemicals and cleaners shall be kept in their original containers or in containers that are properly labeled and stored in a manner to prevent accidental contamination of equipment, instruments, sharps and other supplies.

### **SECTION 10.3 Garbage And Contaminated Waste Disposal**

- A. The owner/operator of a body art establishment must be registered with the Department of Environmental Quality as a medical waste producer as required by the Medical Waste Regulatory Act, 1978 P.A. 368, Part 138, as amended.
- B. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be disposed of through normal disposal methods. Contaminated waste shall be picked-up for disposal at least weekly.
- C. Contaminated waste that may release blood, body fluids, dried blood or dried body fluids and all sharps must be disposed of as regulated waste. Regulated waste shall be collected, in an approved red-colored receptacle which is marked with the international bio-hazard symbol, stored and disposed of in compliance with the Medical Waste Regulatory Act, 1978 P.A. 368, Part 138, as amended and the OSHA Bloodborne Pathogen Standard (29 CFR 1910.1030). Regulated waste shall be picked-up for disposal, at a minimum, every ninety (90) days by a waste hauler licensed by the State of Michigan.
- D. Garbage shall be collected and stored in a manner to prevent contamination and picked-up for disposal at least weekly.

## **ARTICLE XI – TEMPORARY BODY ART ESTABLISHMENT**

### **Section 11.1 Permit Required**

- A. The owner or operator of a temporary body art establishment shall apply for a temporary license with the Michigan Department of Community Health not less than fourteen (14) days prior to the first day body art services will be performed at the temporary location.

- B. The applicant of a temporary body art establishment shall be the owner or operator of a licensed body art establishment operating at a permanent location and:
  - i. The permanent licensed establishment shall have a recent (within 12 months) inspection from the local health authority having jurisdiction;
  - ii. The permanent licensed establishment shall be in substantial compliance with all applicable rules and regulations.

## **Section 11.2 – General Requirements**

- A. The temporary body art establishment shall not conduct any body art services until inspected and approved by the local health authority.
- B. The temporary license shall be posted in a prominent place that can be easily seen by all clients.
- C. The temporary body art facility shall be completely enclosed and comply with all provisions of this Regulation and Act 149 with the following adaptations:
  - i. Handwashing facilities shall be conveniently located, readily accessible and supplied with:
    - a. Hot and cold running water under pressure;
    - b. Liquid soap;
    - c. Disposable paper towels or air dryer.

Under no circumstances shall the use of alcohol-based hand rubs/sanitizers be used in place of hand washing;

- ii. Provide a minimum of eighty (80) square feet of total floor space;
- iii. Facilities for the disposal of liquid waste shall be readily available and conveniently located. Liquid waste shall be transported in a manner to prevent spilling or splashing or otherwise contaminating surfaces;
- iv. Contaminated instruments/equipment shall be held in sealed containers and transported back to the licensed body art establishment for cleaning, disinfecting and sterilization at the end of each day. Under no circumstances shall the cleaning, disinfecting and sterilization of instruments and equipment occur at the temporary location;
- v. All contaminated waste and sharps shall be properly stored and transported back to the licensed body art establishment at the end of each day for disposal.

## **ARTICLE XII – VARIANCES**

### **Section 12.1 General Provisions**

The Health Officer may grant a variance from the strict conformance and enforcement of the provisions of these Regulations. The issuance of a variance may be based upon considerations that the variance is not contrary to the purpose of these Regulations as specified in Article One, Section 1.2.

## **ARTICLE XIII – PENALTIES**

## **Section 13.1 Violations**

Any person who violates the provisions of these Regulations shall be deemed guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$200.00 or both pursuant to Section 2441 (2) of the Public Health Code. Each day that a violation of these Regulations continues shall be deemed a separate offense.

## **Section 13.2 Civil Penalties**

The Macomb County Board of Commissioners may adopt a schedule for monetary civil penalties to be assessed for violations of these Regulations as provided in Sections 2461 and 2462 of the Public Health Code.

## **Section 13.3 Injunctive Proceedings**

When any person has been found to have violated a provision of these Regulations, the Director may maintain an injunctive action to restrain, enjoin, prevent or correct a violation of these Regulations, or a condition which adversely affects the public health, as provided in Section 2465 of the Public Health Code.

If a permit is to be suspended, the Department shall give the permit holder prompt notice and the suspension shall occur immediately upon receipt of the notice.

If a permit is suspended, the permit holder may apply at any time for a reinspection and immediate reinstatement of the permit. A reinspection fee shall be first paid to the Department and the Department shall respond promptly and in not less than ten (10) working days to a request for reinstatement. If reinspection determines that the permit holder has come into compliance with this Regulation, the permit shall be promptly reinstated.

For serious or repeated violations of the requirements of this Regulation, the Department may permanently revoke a permit. Before issuing a permanent revocation, the Department shall give notice in writing of its intent and the reasons therefore, and conduct a hearing within ten (10) working days at which the permit holder may appear and contest those reasons. A permit may be temporarily suspended pending a revocation hearing.

Notice and hearings shall comply with the due process requirements of the Administrative Procedures Act of 1969.

# **ARTICLE XIV – GENERAL PROVISIONS**

## **Section 14.1 General Provisions**

Any person taking exception to, or aggrieved by a decision, ruling, requirement, violation notice, denial, suspension, revocation, disapproval or order issued by the Health Officer under these Regulations; after an opportunity for an Administrative Conference with the Health Officer or his/her designated representative, has the right to a contested case hearing in the matter. Such contested case hearings shall be conducted in accordance with the Macomb County Health Department Appeals Procedures Manual.

## **Section 14.2 Contested Case Hearings**

Contested case hearings shall be convened and conducted in accord with rules promulgated by the Health Department.

## **ARTICLE XV – OTHER AGENCY REQUIREMENTS**

### **Section 15.1 Conflicts And Inconsistencies**

Where conflicts or inconsistencies exist between the provisions of these Regulations and any regulations, requirements, rules, standards, criteria or guidelines of the Federal Government or the State of Michigan, the more restrictive requirements shall govern and prevail.

### **Section 15.2 Local Ordinances**

These Regulations shall supersede inconsistent or conflicting local ordinances, pursuant to Michigan's Public Health Code, Section 2441 of Act 368, P.A. 1978, as amended.

## **ARTICLE XVI – FEES**

### **Sections 16.1 General Provisions**

The Macomb County Board of Commissioners shall establish fees for the permitting of a body art establishment.

## **ARTICLE XVII – SEVERABILITY**

### **Section 17.1 General Provisions**

These Regulations and the various articles, sections and clauses are declared to be severable. If any Article, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid, the remainder of these Regulations shall not be affected.

## **ARTICLE XVIII – ADMENDMENTS**

### **Section 18.1 General Provisions**

The Health Officer may adopt amendments and revisions to these Regulations with the consent and approval of the Macomb County Board of Commissioners, pursuant to Sections 2441 and 2442 of the Public Health Code.

## **ARTICLE XIX – EFFECTIVE DATE**

### **Section 19.1 General Provisions**

These Regulations have been adopted by the Macomb County Board of Commissioners on December 11, 2008 and shall become effective on February 2, 2009.